

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-135-FDW-DCK**

CYNTHIA RICHARDS-DONALD,

Plaintiff,

v.

**TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA; TIAA-
CREF INDIVIDUAL & INSTITUTIONAL
SERVICES, LLC; TIAA BOARD OF
OVERSEERS; and JARROD FOWLER,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Notice Of Motion" (Document No. 75) and "...Memorandum Of Law In Support Of Plaintiff's Motion To Compel..." (Document No. 76) filed June 22, 2016; and a letter (Document No. 79) from Plaintiff's counsel filed on June 24, 2016. The pending motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion without prejudice.

By the pending motion and memorandum, Plaintiff requests that the Court compel the production of certain documents and information and require Defendants to provide deposition dates for certain witnesses. (Document Nos. 75, 76). Following an initial review, the undersigned believes that most, if not all, of the issues presented by the pending motion can and should be resolved by the parties without Court intervention. Moreover, the "Case Management Order" (Document No 56) requires the parties "to attempt in good faith to resolve discovery disputes without the necessity of court intervention." (Document No. 56, p.5). The "Case Management

Order” further provides that if the parties’ attempts to resolve their dispute fail, they must “schedule and submit to an informal telephonic conference.” Id. Plaintiff’s counsel has since acknowledged a failure to contact the Court requesting an informal conference, as well as a failure to abide by Judge Whitney’s word limit for memoranda of law. (Document No. 79).

Based on the foregoing, the Court will deny the pending motion without prejudice and direct the parties to meet and confer, on or before **July 1, 2016**, in an attempt to resolve the issues identified by Plaintiff. If the parties are unable to resolve all their discovery disputes, they shall submit an email to the undersigned’s law clerk at Dustin_Taylor@ncwd.uscourts.gov, summarizing the remaining issues and requesting a telephonic conference.

IT IS, THEREFORE, ORDERED that Plaintiff’s “Notice Of Motion” (Document No. 75) is **DENIED WITHOUT PREJUDICE**.

Signed: June 27, 2016



David C. Keesler
United States Magistrate Judge

